

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:07-CV-037-RLV-DCK**

**E.M.A. a minor, by and through her Guardian
Ad Litem, WILLIAM W. PLYLER; and
WILLIAM EARL ARMSTRONG and
SANDRA ARMSTRONG,**

Plaintiffs,

v.

**LANIER M. CANSLER, in his
official capacity as secretary of the
North Carolina Department of Health
and Human Services,**

Defendant.

ORDER

THIS MATTER IS BEFORE THE COURT on Plaintiffs' "Consent Motion to Substitute Guardian *Ad Litem*" (Document No. 42) filed on May 17, 2012. The motion has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having fully considered the motion and the record, the undersigned will grant the motion.

William W. Plyler, an attorney with McMillan Smith & Plyler, P.L.L.C., was appointed as guardian *ad litem* for the minor E.M.A. in this action on October 2, 2009. (Document Nos. 24, 42). Mr. Plyler has now become "of counsel" with the law firm of Kirby & Holt, L.L.P., one of the firms representing Plaintiffs in this action. (Document No. 42). Plaintiffs and Mr. Plyler agree that this relationship presents the appearance of a conflict of interest, and that he should be replaced as guardian *ad litem*. Id.

Plaintiffs seek to substitute Daniel Johnson for William W. Plyler. Id. Mr. Johnson is a partner with the firm Willis & Johnson, P.L.L.C., in Raleigh, has experience acting as a guardian

ad litem for injured minors, and has agreed to assume the duties as guardian *ad litem* for E.M.A. Id. Moreover, Plaintiffs contend that Mr. Johnson is familiar with the facts and circumstances of this litigation. Id.

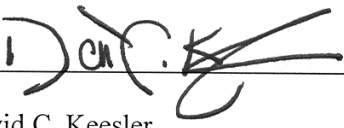
Defendant Lanier M. Cansler, in his official capacity as secretary of the North Carolina Department of Health and Human Services, consents to the motion.

IT IS, THEREFORE, ORDERED that the “Consent Motion to Substitute Guardian *Ad Litem*” (Document No. 42) is **GRANTED**. Attorney Daniel Johnson is hereby appointed and substituted for William W. Plyler as guardian *ad litem* for E.M.A. in this case.

IT IS FURTHER ORDERED that Daniel Johnson shall file a Notice Of Appearance, including his current contact information, on or before **May 21, 2012**.

SO ORDERED.

Signed: May 17, 2012



David C. Keesler
United States Magistrate Judge

